S.B.CRIMINAL MISC. BAIL APPLICATION NO.2809/06

Date : 12.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. RRC Gorsia for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the applicant has been involved only on the statement of co-accused and there is no linking evidence to connect the applicant with the crime except the statement of the co-accused. He further submits that no investigation is to be made from the applicant as the charge-sheet has already been filed. In last, he prays that the applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that large quantity of

contraband Poppy Husk was recovered from other co-accused, therefore, the applicant may not enlarged on bail.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and particularly the fact that only on the statement of co-accused, the applicant has been accused in this case, I think it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Bhoja Ram son of Narayan Ram by I.O./S.H.O. In CR No.51/2005 P.S. Kalyanapur, District Barmer, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i) That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.